

REMARKS

Claims 1-45 are pending in the application.

Claims 1-5, 15-23 and 29-45 are allowed.

Claims 6, 7, 11, 24 and 25 were rejected.

Claims 8-10, 12-14 and 26-28 were objected to.

Claims 6, 11 and 24 have been amended.

I. 35 U.S.C. §103 Claim Rejections

In the Office Action, claims 6, 7, 11, 24 and 25 were rejected under 35 USC §103(a) as being unpatentable over Kamoi *et al.* (U.S. Patent No. 5,280,483). Applicant respectfully traverses this rejection and requests reconsideration by the Examiner.

The invention is directed to a new packet loss metric designated by the inventor as a “Burst Ratio.” The Burst Ratio of the invention is determined as a ratio of an experienced packet loss for a sequence of packets to a packet loss for that sequence of packets that would have been expected under a random loss model -- *i.e.* every packet loss having the same probability of occurrence.

While the Komai reference teaches a methodology carried out in a similar domain to that of the invention -- *i.e.*, adjustment of network behavior based on traffic measurement, the only actual similarity between the teaching of the reference and the disclosed invention is that both inventors chose to characterize a central element of their respective methodologies as a “Burst Ratio.” There is, however, no similarity whatsoever in the determination of such a Burst Ratio as between the disclosed invention and the Komai reference -- two completely different concepts of “burst” are involved.

In a communication system to which the methodology taught by Komai is applied, a “burst” represents a plurality of information bits transmitted continuously over a time interval, which burst of transmitted information is both preceded and followed by time intervals (often longer than the burst interval) during which no information is transmitted from the communication source. The Burst Ratio of Komai is simply a ratio of a summation of burst interval times over a chosen time period to a summation of the time intervals during which no information is transmitted over the same time period. This parameter, representing a comparative channel loading, is then used by Komai, along with other factors, as a basis for determining admissibility of a new call requesting access to the communication system.

In the method of the disclosed invention, on the other hand, a “burst” connotes a number of consecutively lost packets within an overall sequence of transmitted packets. Based on this “burst” concept, the Burst Ratio of the invention is a ratio based on the number of consecutively lost packets in a plurality of transmitted packet sequences to the corresponding number of consecutively lost packets one would expect to see in the plurality of transmitted packet sequences if packets were lost at random -- *i.e.*, the probability of a packet being lost being independent of the state of any other packet.

While the Applicant believes that the distinction between the Burst Ratio of the invention and that of the Komai reference is clear, as described above, it is recognized that the term is used in the rejected independent claims without definition. Accordingly, the Applicant has determined to amend each of those independent claims to specify that term in a manner clearly distinguishing the claimed subject matter from the teaching of Komai. As so amended, Applicant respectfully submits that independent claims 6, 11 and 24 are clearly patentable over Komai, and requests withdrawal of the §103 rejection of those independent claims. All of the

remaining rejected claims depend, either directly or indirectly, from one of those patentable independent claims, and thus also should be patentable.

II. Allowed and Allowable Subject Matter

Claims 1-5, 15-23 and 29-45 were indicated as being allowed, and are re-presented here without change. Dependent claims 8-10, 12-14 and 26-28 were objected to as being dependent on a rejected base claim, but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants thank the Examiner for providing this indication of allowed and allowable claims.

With respect of allowable dependent claims 8-10, 12-14 and 26-28, Applicants believe that amended independent claims 6, 11 and 24, which serve as the base claims for these allowable dependent claims, are also allowable over the art of record, for the reasons indicated above. Accordingly, the Applicants have determined not to present any new independent claims directed to those allowable dependent claims at this time.

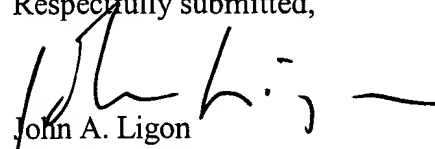
III. Conclusion

Having fully addressed the Examiner's objections and rejections herein, it is believed that, in view of the preceding amendments and remarks, this application now stands in condition for allowance. Such allowance is respectfully requested.

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Please charge any fees due in respect to this amendment to Deposit Account No. 50-1944.

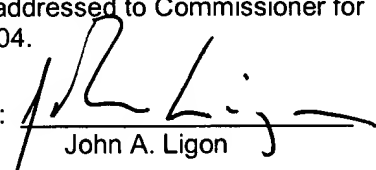
Respectfully submitted,


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Dated: November 19, 2004

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I hereby certify that this Response to Office Action is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on November 19, 2004.

By: 
John A. Ligon